

United States District Court

WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA

v.

CORY DENIAL TRIPLETT

ORDER OF DETENTION PENDING TRIAL

Case Number: 1:06-CR-179

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I - Findings of Fact

(1) The defendant is charged with an offense described in 18 U.S.C. §3142(f)(1) and has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is

- a crime of violence as defined in 18 U.S.C. §3161(a)(4).
- an offense for which the maximum sentence is life imprisonment or death.
- an offense for which the maximum term of imprisonment of ten years or more is prescribed in _____

a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. §3142(f)(1)(A)-(C), or comparable state or local offenses.

(2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.

(3) A period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense described in finding (1).

(4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an)other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternate Findings (A)

(1) There is probable cause to believe that the defendant has committed an offense

- for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 801 et seq
- under 18 U.S.C. §924(c).

(2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternate Findings (B)

(1) There is a serious risk that the defendant will not appear.

(2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Defendant is 27, has two children, and has not been married. Defendant admitted he was a member of the Black Disciple Nation, but denies current affiliation. He has a lengthy criminal record over the past 10 years involving drugs, larceny, resisting and obstructing police, possession of a switchblade, domestic violence, and a number of motor vehicle violations, the outcomes of which are unknown. Defendant was sentenced to 1 to 5 years custody on the larceny charge, and a subsequent probation violation returned him to custody and further probation. A further probation violation resulted in probation again being revoked and a further custodial sentence. Defendant reports that (continued on next page)

Part II - Written Statement of Reasons for Detention

find that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence that no condition or combination of conditions will assure the safety of the community, based upon the presumption that defendant is a danger to the community because of his three counts of drug trafficking with cocaine, crack and marijuana. Nothing in the evidence before the court rebuts this presumption.

Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Dated: July 25, 2006

/s/ Hugh W. Brenneman, Jr.

Signature of Judicial Officer

Hugh W. Brenneman, United States Magistrate Judge
Name and Title of Judicial Officer

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Alternate Findings (B) - (continued)

he is employed part-time assisting his grandmother with a nursing home, but apparently, according to the grandmother, defendant has had minimal to no involvement with her clients. The extent of any substance abuse appears unclear. Defendant states that he has never consumed illicit drugs, but his grandmother states that he has used marijuana in the past. It does not appear defendant has been entirely candid with the Pretrial Services office.

Part II - Written Statement of Reasons for Detention - (continued)